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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO.       |
|--|-------------|----------------------|----------------------------------|------------------------|
| 10/719,418   | 11/24/2003  | Wesley A. Brush      | Brush 113579 cont.               | 3406                   |
| 7590<br>Henry T. Brendzel<br>P.O. Box 574<br>Springfield, NJ 07081 |             | 03/05/2008           | EXAMINER<br>ADDY, THJUAN KNOWLIN |                        |
|  |             |                      | ART UNIT<br>2614                 | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>03/05/2008          | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/719,418

Applicant(s)

BRUSH ET AL.

Examiner

THJUAN K. ADDY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on January 25, 2008 has been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-15 are still pending in this application, with claims 1 and 2 being independent.
2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sattar et al. (US 5,572,581).
4. In regards to claims 1, 2, 10, and 11, Sattar discloses a method for providing communication service (See col. 1 lines 10-12) comprising the steps of: an intelligent peripheral (See Fig. 2 and intelligent peripheral (IP) 42) receiving an alert message (e.g., instructions/data package) from a database unit (See Fig. 2 and SCP 24), the message specifies a communication protocol parameter (for example, the instructions/data package sent to IP 42 via SCP 24, indicates what services are

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required or needed for the calling party, which may include fax retrieval, voice recognition, text-to-voice functions, digit collection, etc., See col. 7 lines 18-33); with reference to a database within said intelligent peripheral, establishing a connection between said database unit and said intelligent peripheral to operate in accord with a protocol pointed to by said protocol parameter, communicating information between said database unit and said intelligent peripheral; and communicating information between a switch (See Fig. 2 and switch 10) and said intelligent peripheral over a bearer connection (See Fig. 2 and data link 44) between them (See col. 7 lines 44-66).

5. In regards to claim 3, Sattar discloses the method, where said specification of said communication protocol by said database unit takes the form of specifying a parameter of a protocol that uniquely specifies a protocol, and operating parameter of said protocol (See col. 7 lines 18-27 and col. 7-8 lines 64-5).

6. In regards to claim 4, Sattar discloses the method, wherein the connection between the intelligent peripheral and the database unit is via a signaling network (e.g., data link 46, which can be SS7, TCP/IP, FDDI, X.25, or any other synchronous or asynchronous data link (See Fig. 2, col. 6-7 lines 67-1, and col. 7 lines 13-15).

7. In regards to claim 5, Sattar discloses the method, where the connection between the database and the switch is over a signaling network (e.g., data link 44) (See col. 6 lines 63-67).

8. In regards to claims 6 and 9, Sattar discloses the method, where said bearer connection is established following the establishment of said connection between the database and the intelligent peripheral (See col. 7 lines 44-63).

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9. In regards to claim 7, Sattar discloses the method, where said bearer connection is established in response to a message send by said switch to said intelligent peripheral (See col. 7 lines 28-33).

10. In regard to claim 8, Sattar discloses the method, where said message sent by said switch to said intelligent peripheral is following a message sent by said database unit to said switch (See col. 7 lines 44-63).

11. In regards to claim 12, Sattar discloses the method, further comprising the step of said intelligent peripheral performed said specified service and sending results to appropriate destination (See col. 7 lines 44-66).

12. In regards to claim 13, Sattar discloses the method, where said appropriate destination is said database unit (See col. 7 lines 44-63).

13. In regards to claim 14, Sattar discloses the method, where said appropriate destination is said switch (See col. 7 lines 44-63).

14. In regards to claim 15, Sattar discloses the method, further comprising the step of said intelligent peripheral performed said specified service and sending results to said database unit via said switch (See col. 7 lines 44-63).

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

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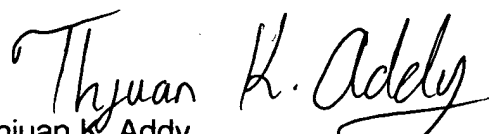
**Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Favichia et al. (US 7,054,332) teach a method and apparatus for dynamic negotiation or protocols.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Thjuan K. Addy  
Primary Examiner, AU 2614

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